

REFERENCE TITLE: sex offenders; GPS monitoring; appropriations

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1371

Introduced by
Senator Waring

AN ACT

AMENDING SECTION 13-902, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 37, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3725; AMENDING TITLE 41, CHAPTER 11, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1604.08; MAKING APPROPRIATIONS; RELATING TO ELECTRONIC MONITORING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 13-902, Arizona Revised Statutes, is amended to
3 read:

4 13-902. Periods of probation

5 A. Unless terminated sooner, probation may continue for the following
6 periods:

- 7 1. For a class 2 felony, seven years.
- 8 2. For a class 3 felony, five years.
- 9 3. For a class 4 felony, four years.
- 10 4. For a class 5 or 6 felony, three years.
- 11 5. For a class 1 misdemeanor, three years.
- 12 6. For a class 2 misdemeanor, two years.
- 13 7. For a class 3 misdemeanor, one year.

14 B. Notwithstanding subsection A of this section, unless terminated
15 sooner, probation may continue for the following periods:

- 16 1. For a violation of section 28-1381 or 28-1382, five years.
- 17 2. For a violation of section 28-1383, ten years.

18 C. When the court has required, as a condition of probation, that the
19 defendant make restitution for any economic loss related to the defendant's
20 offense and that condition has not been satisfied, the court at any time
21 before the termination or expiration of probation may extend the period
22 within the following limits:

- 23 1. For a felony, not more than three years.
- 24 2. For a misdemeanor, not more than one year.

25 D. Notwithstanding any other provision of law, justice courts and
26 municipal courts may impose the probation periods specified in subsection A,
27 paragraphs 5, 6 and 7 and subsection B, paragraph 1 of this section.

28 E. After conviction of a felony offense or an attempt to commit any
29 offense that is included in chapter 14 or 35.1 of this title or section
30 13-2308.01, 13-2923 or 13-3623, if probation is available, probation may
31 continue for a term **OF** not less than the term that is specified in subsection
32 A of this section up to and including life and that the court believes is
33 appropriate for the ends of justice.

34 F. After conviction of a violation of section 13-3824, subsection A,
35 if a term of probation is imposed and the offense for which the person was
36 required to register was a felony, probation may continue for a term **OF** not
37 less than the term that is specified in subsection A of this section up to
38 and including life and that the court believes is appropriate for the ends of
39 justice.

40 **G. AFTER CONVICTION OF A DANGEROUS CRIME AGAINST CHILDREN AS DEFINED
41 IN SECTION 13-604.01, IF A TERM OF PROBATION IS IMPOSED, THE COURT SHALL
42 REQUIRE GLOBAL POSITION SYSTEM MONITORING FOR THE DURATION OF THE TERM OF
43 PROBATION.**

1 Sec. 2. Title 13, chapter 37, Arizona Revised Statutes, is amended by
2 adding section 13-3725, to read:

3 13-3725. Interference with monitoring devices: classification

4 A. A PERSON COMMITS INTERFERENCE WITH A GLOBAL POSITION SYSTEM
5 MONITORING DEVICE BY EITHER:

6 1. BEING REQUIRED TO BE ON ELECTRONIC MONITORING OR GLOBAL POSITION
7 SYSTEM MONITORING AND REMOVING OR BYPASSING ANY DEVICE OR EQUIPMENT THAT IS
8 NECESSARY FOR THE ELECTRONIC MONITORING OR GLOBAL POSITION SYSTEM MONITORING.

9 2. ASSISTING ANY PERSON WHO IS REQUIRED TO BE ON ELECTRONIC MONITORING
10 OR GLOBAL POSITION SYSTEM MONITORING IN REMOVING OR BYPASSING ANY DEVICE OR
11 EQUIPMENT THAT IS NECESSARY FOR THE ELECTRONIC MONITORING OR GLOBAL POSITION
12 SYSTEM MONITORING.

13 B. A VIOLATION OF THIS SECTION IS A CLASS 4 FELONY.

14 Sec. 3. Title 41, chapter 11, article 1, Arizona Revised Statutes, is
15 amended by adding section 41-1604.08, to read:

16 41-1604.08. Global position system monitoring

17 A. THE DEPARTMENT SHALL ASSIGN ANY PERSON WHO IS IN THE CUSTODY OF THE
18 DEPARTMENT AND WHO WAS CONVICTED OF A VIOLATION OF SECTION 13-604.01 TO A
19 GLOBAL POSITION MONITORING SYSTEM ON THE PERSON'S DISCHARGE FROM IMPRISONMENT
20 OR RELEASE ON PAROLE, COMMUNITY SUPERVISION, WORK RELEASE OR OTHER
21 CONDITIONAL OR TEMPORARY RELEASE.

22 B. THE DEPARTMENT MAY ENTER INTO A CONTRACT FOR THE PROVISION OF
23 GLOBAL POSITION MONITORING SERVICES.

24 Sec. 4. Appropriations; purpose; exemption

25 A. The sum of \$750,000 is appropriated from the state general fund in
26 fiscal year 2006-2007 to the state department of corrections for the purpose
27 of funding electronic monitoring of sex offenders.

28 B. The sum of \$750,000 is appropriated from the state general fund in
29 fiscal year 2006-2007 to the supreme court for the purpose of funding
30 electronic monitoring of sex offenders.

31 C. The appropriations made in subsections A and B of this section are
32 exempt from the provisions of section 35-190, Arizona Revised Statutes,
33 relating to lapsing of appropriations.

34 Sec. 5. Emergency

35 This act is an emergency measure that is necessary to preserve the
36 public peace, health or safety and is operative immediately as provided by
37 law.